

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00371

**Michael Guisto Cromey, Jr.,**  
*Plaintiff,*

v.

**Warden John Rupert et al.,**  
*Defendants.*

**O R D E R**

Plaintiff Michael Guisto Cromey Jr., a prisoner confined within the Texas Department of Criminal Justice proceeding pro se, filed this civil-rights proceeding pursuant to 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

On September 30, 2024, the magistrate judge issued a report recommending that defendant Hawkins's motion for summary judgment (Doc. 54) be granted. The magistrate judge also recommended that plaintiff's claims regarding access to courts, excessive temperatures, and heat/conditions should be dismissed pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief may be granted and that plaintiff's lawsuit be dismissed with prejudice. Doc. 69. A copy of this report was sent to plaintiff at his last-known address. Plaintiff filed a motion for an extension of time in which to file a response or objections, which the magistrate judge granted—extending plaintiff's deadline to December 13, 2024. Doc. 72. Plaintiff attached a copy of the entire report to his motion, confirming that he received a copy of the report. To date, however, plaintiff has not filed objections.

Instead, plaintiff complains that he “cannot possibly” respond because his mail sent to the court has been “disrespected” by the prison mailroom and mail employees inspect his prison mail. Doc. 73. But the docket reflects his numerous pleadings and letters sent

to the court, and the record reflects that plaintiff received a copy of the report. Plaintiff thus had an opportunity to file timely objections and failed to do so. Indeed, the objection period has long since elapsed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report (Doc. 69), and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendant Hawkins's motion for summary judgment (Doc. 54) is granted and this action is dismissed with prejudice. Any pending motions are hereby denied as moot.

*So ordered by the court on January 30, 2025.*



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J. CAMPBELL BARKER  
United States District Judge